# SENATE BILL No. 1260

**Introduced by Senators Ortiz and Runner**

February 9, 2006

An act to add Chapter 2 (commencing with Section 125330) to Part 5.5 of Division 106 of the Health and Safety Code, relating to reproductive health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1260, as introduced, Ortiz. Reproductive health and research.

The California Stem Cell Research and Cures Act, an initiative measure, establishes the California Institute for Regenerative Medicine, the purpose of which is, among other things, to make grants and loans for stem cell research, for research facilities, and for other vital research opportunities to realize therapies, protocols, and medical procedures that will result in, the cure for, or substantial mitigation of, diseases and injuries. Existing law establishes the Independent Citizen's Oversight Committee (ICOC), composed of appointed members, that is required to perform various functions and duties with regard to the operation of the institute.

Existing law requires that a patient provide informed consent prior to the receiving various medical treatments.

This bill, with certain exceptions, would require a physician and surgeon, prior to providing assisted oocyte production, as defined, for purposes of donating eggs for medical research or for developing medical therapies, obtain written consent from his or her patient and provide to his or her patient a standardized written summary of health and consumer issues.

Existing law prohibits a person from knowingly, for valuable consideration, purchasing or selling embryonic or cadaveric fetal tissue for research purposes.

This bill would prohibit human oocytes or embryos from being acquired, sold, received, or otherwise transferred for valuable consideration for medical research or development of medical therapies, and would prohibit payment in excess of the amount of reimbursement of expenses to be made to any research subject to encourage her to produce human oocytes for the purposes of medical research.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2 (commencing with Section 125330) is added to Part 5.5 of Division 106 of the Health and Safety Code, to read:

CHAPTER 2. ASSISTED REPRODUCTIVE TECHNOLOGY SERVICES

125330. The following definitions shall apply to this chapter:

(a) "Assisted oocyte production" or "AOP" means pharmaceutically induced manipulation of oocyte production through the use of ovarian stimulation.

(b) "Oocyte" means a female egg or egg cell.

125335. (a) Prior to providing AOP to a patient for the purpose of donating oocytes for medical research or development of medical therapies, a physician and surgeon shall provide to his or her patient a standardized written summary of health and consumer issues associated with assisted oocyte production. The failure to provide to a patient this standardized written summary constitutes unprofessional conduct within the meaning of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(b) The summary shall include, but not be limited to, disclosures concerning the potential risks of AOP and oocyte donation, including the risks associated with using the drugs, medications, and hormones prescribed for ovarian stimulation during the AOP or oocyte donation process.

(c) For purposes of this subdivision, a standardized written summary of health and consumer issues associated with assisted oocyte production shall mean the patient guide published and

updated by the American Society for Reproductive Medicine entitled, "Assisted Reproductive Technology: A Guide for Patients."

(d) This section shall not affect the suitability or availability of oocytes procured for research before January 1, 2007, or procured for research outside of the State of California, if the oocytes were donated pursuant to protocols or standards that are generally recognized and accepted by national or international scientific bodies.

125340. (a) Prior to providing AOP to a patient for the purposes of medical research or development of medical therapies, a physician and surgeon shall obtain written consent from his or her patient. The written consent shall include all of the following:

(1) A statement that the patient has received and reviewed the summary of health and consumer issues required in Section 125335.

(2) A statement informing the patient that oocytes may not be sold or transferred except under the conditions outlined in Section 125350.

(3) A summary of the arrangements the procuring entity has made for coverage or payment for medical care related to ovarian stimulation and oocyte retrieval.

(4) Disclosure, if the physician and surgeon is participating in the medical research for which the oocytes will be used.

(b) The failure to obtain written consent from the patient constitutes unprofessional conduct within the meaning of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. Nothing in this section shall be construed to relieve the physician and surgeon from other existing duties under the law, including, but not limited to, the duty to obtain a patient's informed consent after fully explaining the proposed treatment or procedure. The requirement that a physician and surgeon provide the standardized written summary pursuant to Section 125335 is in addition to, and does not supplant, other existing legal requirements regarding informed consent.

(c) This section shall not affect the suitability or availability of oocytes procured for research before January 1, 2007, or procured for research outside of the State of California, if the oocytes were donated pursuant to protocols or standards that are

generally recognized and accepted by national or international scientific bodies.

125350. No human oocyte or embryo shall be acquired, sold, received, or otherwise transferred for valuable consideration for the purposes of medical research or development of medical therapies. For purposes of this section, "valuable consideration" does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of oocytes or embryos.

125355. No payment in excess of the amount of reimbursement of expenses shall be made to any research subject to encourage her to produce human oocytes for the purposes of medical research.

125356. The Independent Citizen's Oversight Committee established pursuant to Section 125290.15 is encouraged to review existing studies concerning the health risks and benefits of ovarian stimulation drugs used for assisted oocyte production, identify gaps in existing knowledge concerning health risks and benefits, and to undertake further research as the ICOC deems necessary to characterize the risks and benefits of those drugs.

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